

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

MOHAMMAD MOSHARROF HOSSAIN,)	
)	
Plaintiff,)	
)	
v.)	Case No. 3:22-cv-00627
)	Judge Aleta A. Trauger
PHH MORTGAGE CORPORATION)	
<i>et al.,</i>)	
)	
Defendants.)	

ORDER

Before the court are (1) the Motion for Summary Judgment filed by defendants PHH Mortgage Corporation and Wells Fargo N.A. (Doc. No. 57); (2) plaintiff Mohammad Hossain’s Motion for Leave to File Additional Record (Doc. No. 71); (3) the Magistrate Judge’s Report and Recommendation (“R&R”) (Doc. No. 76), recommending that summary judgment be granted in favor of all defendants (including nonmovant Wilson & Associates, PLLC (“Wilson”)) on all claims *except* Count XI (breach of deed of trust pre-foreclosure notice provisions) and Count XII (breach of statutory pre-foreclosure notice provisions) of the Third Amended Complaint and that the Motion for Leave to File Additional Records be granted as unopposed; (4) the defendants’ Objections (Doc. No. 79) to the R&R’s recommendation that summary judgment be denied as to Counts XI and XII; and (5) the plaintiff’s Objection (Doc. No. 80) to the Magistrate Judge’s recommendation that summary judgment on Count XXI (breach of the deed of trust) be granted.

For the reasons set forth in the accompanying Memorandum, the court rules as follows:

(1) the plaintiff’s Motion for Leave to File Additional Record (Doc. No. 71) is **GRANTED** as unopposed;

(2) the defendants' Objections (Doc. No. 79) are **OVERRULED**, and the court **ACCEPTS** the R&R's recommendation that summary judgment be denied as to Counts XI and XII;

(3) the plaintiff's Objection (Doc. No. 80) is **SUSTAINED**, and the court **REJECTS** the R&R's recommendation that summary judgment be granted as to Count XXI;

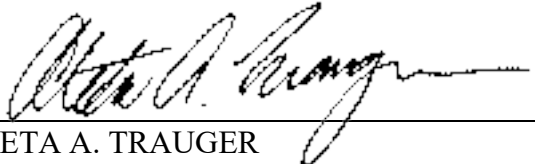
(4) the court **ACCEPTS** in its entirety the remainder of the R&R to which no objections were lodged, including the recommendation that this ruling apply with equal effect to the claims against non-movant Wilson; and, therefore,

(5) the defendants' Motion for Summary Judgment is **GRANTED IN PART AND DENIED IN PART**. The motion is **DENIED** with respect to Counts XI, XII, and XXI and **GRANTED** as to all other claims in the Third Amended Complaint.

(6) Summary judgment is **GRANTED** on all claims asserted against nonmovant Wilson, except for those that remain against the other defendants: Counts XI, XII, and XXI.

The court will enter a separate order resetting pretrial and trial dates. Meanwhile, the case remains on referral to the Magistrate Judge.

It is so **ORDERED**.



ALETA A. TRAUGER
United States District Judge